

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Eastern Utah Broadcasting Co.)	File No. EB-11-DV-0105
Licensee of Station KOAL)	
Facility ID # 18389)	
Price, Utah)	NOV No. V201132800021
)	

NOTICE OF VIOLATION

Released: August 17, 2011

By the District Director, Denver Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules,¹ to Eastern Utah Broadcasting Company, licensee of radio station KOAL in Price, Utah. This Notice may be combined with a further action, if further action is warranted.²

2. On May 20, 2011, an agent of the Enforcement Bureau’s Denver Office inspected radio station KOAL located at Price, Utah, and observed the following violations:

- a. 47 C.F.R. § 11.35(a): “EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Section 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams...” At the time of the inspection, there were no entries in KOAL’s logs indicating why the required monthly tests (RMTs) and the required weekly tests (RWTs) had been sporadically missed over the three months prior to the inspection.
- b. 47 C.F.R. § 11.61(a): “EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section. Additional tests may be performed anytime. EAS activations and special tests may be performed in lieu of required tests as specified in paragraph (a)(4) of this section. All tests will conform with the procedures in the EAS Operating Handbook.” KOAL failed to ensure that, over the three months

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

Federal Communications Commission

prior to the inspection, that RMTs and RWTs of the EAS system were received and transmitted.

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions the station may have taken. Therefore, Eastern Utah Broadcasting Company must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission's Rules, we direct Eastern Utah Broadcasting Company to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Eastern Utah Broadcasting Company with personal knowledge of the representations provided in Eastern Utah Broadcasting Company response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.⁷" 47 C.F.R. § 1.16.

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd, Suite 303
Lakewood, CO 80226

6. This Notice shall be sent to Eastern Utah Broadcasting Company at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).